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Honorable Ronald M. Whyte

Civil Law & Motion Tentative Rulings

Friday, March 25, 2011

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Case number:	C-09-03150 RMW
Title:	Cellectricon AB et al. v. Fluxion Biosciences, Inc.
Tentative Ruling:	<ol style="list-style-type: none">1. Parties should be prepared to discuss the question of what would be involved in litigating the '518, '650, and '614 patents that would not be involved in the '252 patent.2. Although the '252 patent is a systems patent, isn't the technology essentially the same in all the patents and the infringing conduct the same?3. Aren't the final decisions on the reexaminations several years away?4. Do plaintiffs see any inconsistency between the finding of the '614 patent claims valid and the '518 patent claims invalid?

Case number:	C-10-02553 RMW
Title:	In re Apple and AT&T iPad Unlimited Data Plan Litigation
Tentative Ruling:	<ol style="list-style-type: none"> 1. Motion to dismiss the fraud claims is denied. 2. Motion to dismiss the California statutory claims of the non-California plaintiffs is granted. 3. Motion to dismiss UCL and FAL claims for failure to allege restitution is granted. 4. Motion to dismiss CLRA claims for failure to comply with the affidavit and notice requirements is granted. 5. Motion to dismiss the unjust enrichment claims is granted (remedy not a separate claim). 6. Motion to dismiss Weisblatt's negligent misrepresentation claim is granted. 7. Motion to strike Osetek's claims against ATTM is denied.